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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,520

12/05/2003

Roy Hirst

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27195

7590

05/23/2006

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CLEVELAND, OH 44114

EXAMINER

MOFIZ, APU M

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,520	HIRST, ROY	
	Examiner	Art Unit	
	Apu M. Mofiz	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1,15,20-21,23,24 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, Examiner is unclear as to what is meant by “desired code functionality”? Is this functionality a document? Is this a block within a document? Examiner is not sure what exactly is “desired code functionality”.

As to claim 15, Examiner is unclear as to what is meant by “a technical value”? How is this “technical value” determined?

As to claim 20-21, Examiner is unclear as to what is meant by “developer terms”? How is this “developer terms” different than other terms?

As to claims 23,24 and 32, Examiner is unclear as to what is meant by “familiar” and “unfamiliar”? How is the familiarity and unfamiliarity determined? Examiner is also unclear as to what is meant by “functional information”? What makes information functional? How is “functional information” different than “desired documents”? Is “functional information” is part of a “desired document”?

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,4,11,12,20,22,23,24,26-29 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris (U.S. Patent Publication No. 2002/0059204).

As to claims 1,23,24,31 and 32, Harris teaches a system that facilitates generation of code and/or documents, comprising: a discovery component that receives data relating to at least one of a user's request for desired code functionality and one or more desired documents; and a mapping component that correlates parsed subsets of the data to specific functional objects respectively located remote from the user; and a generator that employs the functional objects to form at least one of the desired code functionality and the documents (i.e., user provided natural language query for desired information/documents is parsed into subset of data and the parsed data (i.e., familiar data) is context analyzed and then correlated/cross referenced to other terms/objects e.g., synonyms (i.e., unfamiliar terms). In this process a dictionary is used. User/System manager can define various

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rules in the dictionary. The dictionary can also use user's feedback to define rules, which is used to find the correlated terms/objects e.g., synonyms. The query is then translated into a SQL query to search a database or other suitable query to a search engine e.g., Altavista, Google, Infoseek, Microsoft Index Server etc. The information is entered into the interface using a suitable device e.g., keyboard, mouse etc. Whether the user is a developer or any other user, the document is technical/code document or any other document are non functional descriptive data and therefore nonstatutory) ([0007], [0009], [0036], [0037], [0045], [0046], [0049], [0057], [0059], [0061]).

As to claims 1,2,4,11,12,20,22,26-29, the limitations of these claims are either rejected or addressed in the rejected claim above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,5-10,13-19, 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Herz (U.S. Patent No. 6,029,195).

As to claim 3,5-10,13-19, 25 and 30, Harris does not teach using users past patterns in searching for a desired document, determining an importance value or ranking the documents and monitoring/tracking search activities.

Herz teaches using user's past patterns in searching for a desired document, determining an importance value or ranking the documents and monitoring/tracking search activities (i.e., user ranks target objects by their importance value to the user. User provides relevance feedback and assigns score/weight to target objects. All these become part of the user profile, and the user profile is used to search for desired documents. Users past patterns/long term attributes are also part of the user profile. The system also tracks/monitors user's search activities.) (Abstract; col 15, lines 1-35; col 18, lines 10-67; col 19, lines 30-67; col 28, lines 40-67; col 63, lines 45-55; col 65, lines 50-67; col 68, lines 25-35; col 69, lines 54-60).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Harris with the teachings of Herz to include using user's past patterns in searching for a desired document, determining an importance value or ranking the documents and monitoring/tracking search activities with the motivation to provide a customized electronic identification of desirable objects and to generate a user-customized rank ordered listing of target objects (Herz, Abstract).

Points of Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read 'Apu M. Mofiz', with a stylized flourish at the end.

Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

May 16, 2006